




SIGNED this 10th day of August, 2022.


BENJAMIN A. KAHN
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON SALEM DIVISION

IN RE:)	
)	Case No. 22-50065
Rabbi Yitzhak Joel Miller,)	
)	Chapter 11
Debtor.)	
_____)	

ORDER DENYING CONFIRMATION OF SUBCHAPTER V PLAN

This matter came before the Court for hearing on July 26, 2022 upon the Subchapter V Plan (Doc No. 117) filed by Rabbi Yitzhak Joel Miller (“Debtor”) pursuant to 11 U.S.C. § 1189, and the Objection to Confirmation filed by US Bank Trust National Association (Doc No. 179), Objection to Confirmation filed by Selene Finance as servicer for DLJ Mortgage Capital, Inc. (Doc No. 180), Objection to Confirmation filed by the Bankruptcy Administrator (Doc No. 182), and Objection to Confirmation filed by HOF I Grantor Trust 5, US Bank Trust National Association as Delaware Trustee (Doc No. 184) (the “Objections”). Appearing at the hearing in person were Erik M. Harvey, as attorney for the Debtor, Sarah D. Bruce for the Bankruptcy Administrator Office, Daniel C. Bruton as Subchapter V Trustee, and the Debtor. Mark A. Baker, as attorney for secured creditor SN Servicing, Hannah D. Kays, as attorney for secured creditor Specialized Loan Servicing, LLC, and Anna Bryce Hopson, as attorney for Recovco Mortgage Management, LLC, appeared telephonically.

The Court finds after hearing on the Plan and the Objections filed that the Objections to Confirmation should be sustained and that confirmation of the Plan is denied without prejudice to allow the Debtor to file an Amended Plan on or before August 25, 2022; therefore it is

ORDERED that the Objections by all parties to the confirmation of the Debtor's Plan filed May 16, 2022 (Doc No. 117) are sustained; and

IT IS FURTHER ORDERED that confirmation of the Debtor's plan filed May 16, 2022 (Doc No. 117) is denied without prejudice to the Debtor to file an Amended Plan on or before August 25, 2022; and

IT IS FURTHER ORDERED that the Court's previous ruling temporarily allowing under Rule 3018(a) claims as filed for the purpose of accepting or rejecting any plan filed in this case shall remain in full force and effect with respect to any future plans; and

IT IS FURTHER ORDERED that the Debtor shall serve a copy of this Order on the Bankruptcy Administrator, the Secured Parties, the trustee, and the creditors holding the 20 largest unsecured claims, and shall file a certificate of such service with the Clerk.

END OF DOCUMENT

PARTIES TO BE SERVED

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